

REMARKS

Claims 63, 67-68, 75-77, 79-81, 83, 86-90, 92 and 120 are currently pending, of which claims 63 and 120 are in independent form. Claims 63 and 120 are amended by way of this response and claims 64-66 are cancelled without prejudice. Support for these amendments may be found in the present patent application at various places including FIG. 4 and 6 and corresponding description on pages 23-29 and 32-42 of the specification as filed, *inter alia*.

Favorable reconsideration of the present application as currently constituted is respectfully requested.

Regarding the Claim Rejections - 35 U.S.C. §103

Claims 63-68, 76-81, 86, 89-90 and 120 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Motorola AirMobile Wireless Software for Lotus cc:Mail, Version 1.1 (hereinafter "AirMobile"), in view of U.S. Patent 6,636,965 to Beyda et al. (hereinafter "Beyda"), further in view of WyndMail (WyndMail for Windows CE, 1997; hereinafter "WyndMail"), comp.mail.sendmail ("Need to rewrite From Field on outgoing mail, May 23, 1996; hereinafter "Sendmail"), and U.S. Patent No. 6,571,290 to Selgas et al. (hereinafter "Selgas").

Additionally, claim 75 stands rejected under 35 U.S.C. §103(a) as being unpatentable over AirMobile, Beyda, WyndMail, Sendmail, and U.S. Patent No. 6,138,146 to Moon et al. (hereinafter "Moon"); claims 83, 87 and 88 stand rejected under 35 U.S.C. §103(a) as being unpatentable over AirMobile, Beyda, WyndMail, Sendmail, and U.S. Patent No. 6,745, 230 to Cao et al. (hereinafter "Cao"); and claim 92 stands rejected under 35 U.S.C. §103(a) as being unpatentable over AirMobile, Beyda, WyndMail, Sendmail, and U.S. Patent No. 6,076,241 to Zondervan (hereinafter "Zondervan").

Applicant respectfully submits that the foregoing §103(a) rejections are overcome by the present response and that all claims are allowable and submits the following in support thereof.

I. The system of AirMobile is inherently and inescapably incapable of continuous redirection of user data items as claimed by Applicant.

AirMobile is directed to an email forwarding scheme over a wireless network using a "server push" model. Notwithstanding the language in AirMobile to the effect that the messages are "immediately downloaded when they are received", Applicant respectfully submits that the architecture of AirMobile is

inherently and inescapably deficient with respect to effectuating continuously redirecting data messages between a messaging host system and a wireless mobile communication device as claimed. Although AirMobile provides a description including a high-level network environment (see Figure 1-1 illustrating AirMobile wireless communication server and client in a cc:Mail environment) that may be sufficient for a "user guide", it does not really explain or describe all the details of the totality of the interaction between a mobile client device (running the client software) and the LAN environment where a server running the AirMobile server software is disposed. Applicant submits that understanding this interaction is critical to appreciating the fundamental differences between the claimed embodiments and the AirMobile system.

Applicant notes that the system of AirMobile is explained in additional detail in U.S. Patent No. 5,764,899 to Eggleston, et al. (hereinafter "Eggleston"), which is owned by the same company that produced the AirMobile system. In Eggleston, a laptop computer 105 with a wireless modem 106 communicates with a "communication server" 110, which in turn is coupled to a user's "Post Office" host server 115. AirMobile appears to describe the same system, using exactly the same terminology. Eggleston was

filed in 1995, the same year that the AirMobile references are copyrighted. Two of the inventors on the Eggleston patent - Gene Eggleston and Mitch Hansen - are referenced on numerous occasions in the AirMobile guides.

As set forth in Eggleston, communication server 110 includes a virtual session manager 230 and a query manager 231, and is coupled between a data network 130 and the Post Office host/server 115. See Figures 1 and 2. The virtual session manager 230 is provided for establishing and maintaining a virtual session communication path with the mobile station 105 and a session-oriented communication path with the host server 115. As described with respect to Figure 2, which shows additional details of an exemplary communication server 220, the query manager 231 is designed to send requests to a mail server (i.e., Post Office server) to query for unprocessed messages.

Eggleston teaches that a virtual session is established between the communication server 220 and the mobile station 201 via registration and authentication (see Figure 3, steps 302-307, for example). Once the virtual session is established, the query manager 231 is programmed to send query objects at predetermined intervals for each application being run by each active mobile station requesting unprocessed data for that user from the Post

Office server (see Figure 3). As such, Eggleston teaches that communication server 220 is required to poll a user's inbox at the mail server at predetermined periods. In other words, the email forwarding scheme disclosed in Eggleston is in fact a polling-based system that requires polling of the Post Office server by the communication server 220, which is done only upon establishing of a virtual session by the mobile client.

Based on the foregoing discussion, it is quite clear that contrary to a process adapted to continuously redirect data messages to a wireless mobile communication device via a wireless redirector host system as claimed by Applicant, Eggleston discloses a virtual session based communication system for transferring data between a mobile client and a host system (i.e., a Post Office) involving an intermittent or periodic operation -- a traditional querying-based mechanism where a mobile client must be authenticated, a login must be established with the Post Office, and only then would query manager 231 request any new messages. Therefore, absent an active virtual session, no messages can be requested by or sent to a mobile device. In other words, Eggleston (and AirMobile, by extension) requires that a mobile device first establish a virtual session, which can be random and intermittent, thereby negating any notion

of transmitting the messages to the mobile device contemporaneously upon arrival as set forth in Applicant's claims. Accordingly, such a system cannot anticipate or suggest a wireless redirector system that provides for receiving a copy of a data message from a messaging host system via a wide area network connection and thereafter transmitting a repackaged copy of the data message in real time from the wireless redirector host system to the mobile communication device as claimed by Applicant.

II. The system of Eggleston (and AirMobile, by extension) teaches away from continuous redirection of data messages.

According to the system of Eggleston, if a user remains inactive for a predetermined period of time, the system logs off the user and tears down the virtual session so that the costs of communication are kept to a minimum. See, e.g., column 4, lines 47-51; column 7, lines 10-18 and lines 48-58. Accordingly, there is no incentive in Eggleston (and AirMobile, by extension) to achieve continuous redirection of data items in real time since that would require maintaining a virtual session whether or not there is new email for a user and whether or not the user is active over a period of time. Eggleston explains that the result

of logging off is that "the client will not be notified of outbound data until the client re-registers and is again coupled via the virtual session manager." Logging off and not notifying the user of new email is the opposite of detecting arrival a data message and sending a copy of the data message from the messaging host system to a wireless redirector host system. The current claims of the instant patent application recite features relating to continuously pushing data messages in real time in order to avoid the authentication, login, and querying processes disclosed by Eggleston (and AirMobile, by extension) so that users do not run the risk of missing important new email or other data items waiting on the server.

Additionally, highlighting the differences between the "push-based continuous redirection" and "virtual session based querying" systems is a negative tradeoff in Eggleston (and AirMobile, by extension) that is not present in the present patent application. Eggleston terminates an established session once a user has been logged in long enough to raise costs to a threshold, thus limiting a user's charges. However, the tradeoff is that once the session has been ended, no messages are sent to or received from the user. The user must choose to incur costs and battery life for maintaining a session or to not receive new

emails frequently (e.g., only upon re-establishing a session and querying for new messages). The present patent application eliminates this tradeoff by continuously sending messages without the need for queries or a session. Accordingly, due to the inherent tradeoffs that Eggleston is designed to address, it necessarily teaches away from continuous redirection in real time as set forth in Applicant's claims.

III. None of the secondary art references relied upon in the Office Action can cure the deficiencies of AirMobile.

The principal secondary references relied upon in the rejection of the independent claims include Beyda, WyndMail, Sendmail, Selgas, Moon, Cao, and Zondervan. Applicant respectfully submits that the foregoing references, either alone or in any reasonable combination, fail to address the fundamental deficiency of Eggleston (and AirMobile, by extension) and therefore cannot cure the deficiencies of AirMobile to result in a system where the need for a virtual session is eliminated such that continuous redirection of data items to the mobile client in real time is effectuated.

For at least the foregoing reasons, the applied references, either alone or in reasonable combination, do not teach or

suggest all the limitations of the pending base claims 63 and 120 as currently constituted. It is therefore believed that base claims 63 and 120 are in condition for allowance. Dependent claims 64-68, 76-81 and 89-90 depending from base claim 63 are also allowable over the applied art of record at least for the same reasons. Accordingly, it is believed that all claims are allowable over the art of record.

Reservation of Rights

Notwithstanding the foregoing, Applicant reserves all rights not exercised in connection with this response, such as, e.g., the right to challenge or rebut any tacit or explicit characterization of any reference, Applicant's prior responses or of the present claims, the right to challenge any Official Notice(s) taken, the right to challenge or rebut any asserted factual or legal basis of any of the rejections of the present Office Action, or the right to swear behind any cited reference such as provided under 37 C.F.R. §1.131 or otherwise.

Fee Statement

Compared to the highest number previously paid for, the total number of claims and the number of independent claims remain unchanged. Applicant is filing herewith a Request for Continued Examination (RCE) of the instant patent application. Accordingly, payment via electronic filing is being authorized in the applicable amount. Applicant believes no additional fees are due for the filing of this Submission. If any additional fees are due or any overpayments have been made, however, please charge or credit our deposit account (Deposit Account No. 03-1130).

SUMMARY AND CONCLUSION

In view of the fact that none of the art of the record, whether considered alone or in combination discloses, anticipates or suggests the pending claims, and in further view of the above amendments and/or remarks, reconsideration of the Action and allowance of the present patent application are respectfully requested and are believed to be appropriate.

Respectfully submitted,

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